

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Econco Broadcast Service  
1318 Commerce Avenue  
Woodland, California 95776  
ID No. (CAD 980 814 750)

Respondent.

Docket HWCA  
SRPD02/03NAEO-1285

FINAL ENFORCEMENT ORDER

Health and Safety Code  
Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Econco Broadcast Services (Respondent).

1.2. Site. Respondent generates and treats hazardous waste at the following site: 1318 Commerce Avenue, Woodland, California 95776 (Site).

1.3. Facility Status. The Respondent generates the following hazardous waste: wastewater containing cyanide from electroplating operations where cyanide is used in the process, hazardous wastewater containing dissolved metals, metal polishing dust waste containing hazardous levels of copper, corrosive liquid waste, and oxygenated organic solvent waste. The Respondent also conducts onsite recycling (treatment) of aqueous solutions containing dissolved metals and cyanide.

1.4. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

## DETERMINATION OF VIOLATIONS

2. The Department has determined that:

2.1. The Respondent violated Health and Safety Code section 25201 and California Code of Regulations, title 22, section 66270.1, subdivision (c), in that on or about July 25, 2002, Respondent treated aqueous hazardous waste containing dissolved metal from electroplating operations in a fixed treatment unit (an evaporator) without the proper permit or grant of authorization from the Department or the authorized local Certified Unified Program Agency (CUPA).

2.2. The Respondent violated Health and Safety Code section 25143.10, in that on or about July 25, 2002, Respondent failed to submit notification of a claim of exemption from permitting requirements pursuant to Health and Safety Code section 25143.2, subdivision (c)(2), for the recycling of two hazardous waste streams (wastewater containing cyanide and wastewater containing dissolved metals).

2.3. The Respondent violated Health and Safety Code section 25143.2, subdivision (c)(2)(C) and California Code of Regulations, title 22, sections 66262.34, subdivision (a), and 66265.193 in that on or about July 25, 2002, Respondent failed to label two fixed treatment units used to recycle wastewater from electroplating operations and one fixed treatment unit used to evaporate water from electroplating operations with the words "Hazardous Waste", the date on which the period of accumulation in the treatment units began, the composition and physical state of the waste treated in the treatment units, statements which call particular attention to the hazardous properties of the waste, and failed to provide secondary containment for the three treatment units.

2.4. The Respondent violated Health and Safety Code section 25201 and California Code of Regulations, title 22, section 66262.34, subdivision (f), in that on or about August 15, 2002, the Respondent failed to label (9) containers holding hazardous waste with the words "Hazardous Waste", the date on which the period of accumulation began, the composition and physical state of the waste, and statements which call attention to the particular hazard characteristics of the waste.

2.5. The Respondent violated California Code of Regulations, title 22, section 66262.11 in that on or about July 25, 2002, the Respondent failed to maintain a waste analysis record or a record of a waste determination for waste sand blasting dust used to sand blast copper parts. Respondent was disposing of the dust by placing it in a trash bin along with regular facility garbage destined for disposal at the County landfill. Subsequent waste analysis by a certified laboratory revealed that the waste is hazardous due to the concentration of copper in the waste.

2.6. The Respondent violated Health and Safety Code section 25162, subdivision (c), in that Respondent caused the transfer of a hazardous polishing dust waste to a County sanitary landfill that does not hold a valid hazardous waste disposal permit.

2.6.1. The Respondent violated Health and Safety Code sections 25201 and 25189.5, in that Respondent disposed of hazardous polishing dust waste into regular trash destined for disposal at an offsite facility (County landfill) that does not hold a valid hazardous waste disposal permit.

2.7. The Respondent violated Health and Safety Code section 25160, subdivision (b) in that Respondent failed to complete a uniform hazardous waste transport manifest to track the transfer of hazardous waste polishing dust to an offsite facility (County landfill).

2.7.1. The Respondent violated Health and Safety Code section 25163, subdivision (a), in that Respondent transferred custody of hazardous waste polishing dust to a transporter (non-hazardous waste hauler who hauls trash to local County landfill) who does not hold a valid registration issued by the Department.

2.8. The Respondent violated California Code of Regulations, title 22, section 66265.16 in that on or about July 25, 2002, Respondent failed to train employees occupying positions related to hazardous waste management.

2.9. The Respondent violated California Code of Regulations, title 22, section 66265.192 in that on or about January 20, 2003, Respondent failed to submit a written assessment from an independent engineer regarding hazardous waste tank systems described in section 2.3 of this Order that are used to manage waste rinse waters containing metals and cyanide-bearing hazardous waste. On November 21, 2002, at Respondent's request, additional time was granted for Respondent to obtain the required assessment.

#### SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations,

IT IS HEREBY ORDERED THAT:

3.1.1 Respondent shall maintain at the facility and available for inspection records documenting that training has been provided for all employees occupying positions related to hazardous waste management pursuant to California Code of Regulations, title 22, section 66265.16.

3.1.2. Respondent shall maintain at the facility and available for inspection all certified statements from a qualified independent engineer attesting that hazardous waste management tanks have been equipped with adequate secondary containment pursuant to California Code of Regulations, title 22, chapter 15, article 10.

3.1.3. Respondent shall maintain at the facility and available for inspection completed copies of all hazardous waste transport manifests for the prior three-year period.

3.1.4. Respondent has submitted various documents dated August 22, 2002 and November 21, 2002, showing that some of the violations described in Section 2 of this Order have been corrected or adequately addressed. Violations described in sections 2.1, 2.2., 2.3, 2.4, and 2.5 of this order have been adequately corrected or addressed, and no further action is required of Respondent with respect to these violations. Violations described in sections 2.6, 2.6.1, 2.7, 2.7.1, and 2.8 have been addressed in that Respondent has certified that the violations are no longer occurring.

3.1.5 The violation described in section 2.9 has not been corrected as of the date of issuance of this order. Within 30 days of the effective date of this order, Respondent shall provide a written assessment from a qualified independent engineer pursuant to California Code of Regulations, title 22, section 66265.192, for all hazardous waste tank systems (i.e., holding tanks, treatment tanks such as distillation units or tanks where waste is precipitated, and all associated ancillary equipment such as plumbing). If Respondent fails to submit the required written assessment(s), containing all applicable elements specified in California Code of Regulations, title 22, section 66265.192 for all hazardous waste tank systems operated by Respondent, Respondent shall immediately remove those hazardous waste tank systems from service and no longer use tank systems to manage hazardous waste.

3.2. Submittals. All submittals from Respondent pursuant to this Order shall be sent simultaneously to:

Mr. Charles A. McLaughlin, Chief  
Department of Toxic Substances Control  
State Regulatory Programs Division  
Northern California Branch  
8800 Cal Center Drive  
Sacramento, California 95826-3200

Mr. Bruce Sarazin  
Supervising Hazardous Materials Specialist  
Yolo County Health Department  
10 Cottonwood Street  
Woodland, California 95695

3.3. Communications. All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondent in writing by the Branch Chief, State Regulatory Programs Division, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.

3.4. Department Review and Approval. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to protect public health and safety or the environment, the Department may:

a. Modify the document as deemed necessary and approve the document as modified, or

b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

3.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

3.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended for the term of the Stop Work Order.

3.7. Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health, welfare, or the environment.

3.8. Site Access: Access to the site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Order; and

conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

3.9. Data and Document Availability. Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. Respondent shall preserve all such data, reports, and other documents for a minimum of six years after the conclusion of all activities under this Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least (6) six months prior to destroying any documents prepared pursuant to this Order.

3.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order.

3.11. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Order are incorporated in this Order upon approval by the Department.



3.12. Extension Request: If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.13. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

#### OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondent to costs, penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

4.3. Parties Bound: This Order shall apply to and be binding upon Respondent, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to, individuals, partners, and subsidiary and parent corporations.

4.4. Time Periods. "Days" for purposes of this Order means calendar days.

### PENALTY

5.0 Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondent's penalty at \$152,000. Payment is due within 30 days from the effective date of the Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondent shall deliver the penalty payment to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Mr. Charles A. McLaughlin, Chief  
Department of Toxic Substances Control  
State Regulatory Programs Division  
Northern California Branch  
8800 Cal Center Drive  
Sacramento, California 95826-3200

### RIGHT TO A HEARING

6. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to you, unless you request a hearing within the twenty-day period.

Date of Issuance

18 Apr 03

CA McLaughlin

Charles A. McLaughlin, Chief  
Northern California Branch  
State Regulatory Programs Division  
Department of Toxic Substances Control